No. R. 4555—L.S. 12-52-5, dated Bangalore, 29th July 1952.

The draft of the following Rules which it is proposed to make in exercise of the powers conferred by Section 43 of the Mysore Tenancy Act, 1952 (Mysore Act No. XIII of 1952), is hereby published for the information of all persons likely to be affected thereby as required by sub-section (3) of the said Section.

Notice is hereby given that the draft will be taken into consideration by the Government on or after 1st September 1952.

Objections or suggestions, if any, to the proposed draft may be forwarded for consideration to the Secretary to Government, Revenue Department, Old Public Offices, Bangalore, before the said date.

DRAFT

The Mysore Tenancy Rules, 1952.

Short title.

1. These Rules may be called the Mysore Tenancy Rules, 1952.

Definitions.

2. In these Rules, unless there is anything repugnant in the subject or context,—

(*a*) "Act" means the Mysore Tenancy Act, 1952;

(*b*) "Section" means a section of the Act;

(*c*) "Form" means form appended to these Rules;

(*d*) Words and expressions used but not defined in these Rules shall have the meanings respectively assigned to them in the Act.

Determination of Maximum rent.

3. The maximum rent payable under sub-section (1) of Section 6 shall be determined by the Amildar in the following manner:—

(1) The total yield from the land shall first be determined by him. This yield shall be based on the rates estimated on any of the following data, whichever is lower:—

(*a*) the quantity of average yield per acre of that crop as arrived at by actual crop cutting experiments, if any, conducted by the Government in that year in or near that local area;

(*b*) if no such experiments have been conducted in that year, the average yield per acre fixed for that local area previously on the basis of such experiments ;

(*c*) the actual yield per acre agreed to by the landlord and the tenant ;

(*d*) the actual yield of the crop per acre from the land or from a similar land in the local area during the preceding five years as may be determined by the Amildar after taking necessary evidence.

(2) After the total yield of the land is determined in accordance with sub-rule (1), the value of that crop shall be calculated in any one of the following methods :—

(*a*) on the basis of the prices, if any, fixed by the Government for the purchase of commodities such as foodgrains under any law for the time being in force ; or

(*b*) at rates recorded according to the scheme relating to the recording of harvest prices, if the crop is one of those for which such prices are taken ; or

(*c*) at rates published by the Chief Marketing Officer for the period from January to May each year ; or

(*d*) at rates prevailing in the local area as ascertained by the Amildar after taking further evidence regarding such matters as the average rates at which commodities were sold in the shandy.

Application for commutation of rent in terms of service or labour into cash.

4. An application for commutation or rent received in terms of service or labour into cash under sub-section (1) of Section 9 shall be in Form No. I.

Determination of reasonable rent.

5. (1) An application under sub-section (1) of Section 12 for determination of the reasonable rent of any land shall be in Form No. II.

(2) The other factors which shall be taken into consideration by the Amildar under clause (*e*) of sub-section (3) of Section 12 are the following :—

(i) the value of any service or contribution made by the landlord towards the cultivation of a tenant's

holding such as protection of crop, grant of seeds or manure, and ;

(ii) the value of any service or contribution made by a tenant towards maintenance of or repairs to bunds, channels, hikkals, fences and farm houses ;

Determination of tenancy under Section 16.

6. (1) Before a tenancy is terminated under sub-section (1) of Section 16, a notice in writing in Form No. IX shall be served on the tenant as required by sub-section (2) of Section 16.

(2) The Amildar shall determine the area in respect of which the tenancy should be terminated.

(3) For the termination of the tenancy under Section 16, an application in writing in Form No. VIII shall be presented to the Amildar by the landlord.

(4) The area, the tenancy in respect of which is to be terminated under sub-section (2) of section 16 shall be determined by the Amildar in the following manner subject to the minimum specified in the said sub-section :—

(i) if the area of land, the tenancy of which is to be terminated comprises dry, wet and garden lands, the area determined shall comprise all the three categories in the same proportion as the extent of land subject to termination, bears to the total extent of cultivable land held by the tenant under the said landlord.

(ii) In cases where the tenancy has to be terminated in respect of land exceeding one half of the cultivable extent held by the tenant the area in respect of which tenancy should be terminated shall be determined in the following manner :—

(*a*) If the extent of cultivable land held by the tenant under the said landlord exceeds eight acres but does not exceed ten acres, the extent that remains with the tenant after termination shall not be less than four acres ;

(*b*) In cases where the extent of the land exceeds ten acres, the extent of area in respect of which the tenancy has to be terminated over and above one half of the cultivable extent of

the land shall be according to the following scale :—

Where the extent of the cultivable land held by the tenant under the said landlord exceeds :	The additional extent of area in respect of which the tenancy has to be terminated over and above one-half of the extent of land, shall be ;
(1) 10 acres but does not exceed 20 acres	25 per cent of the land remaining over after termination in respect of one-half of the cultivable land.
(2) 20 acres do 30 acres	20 per cent do
(3) 30 acres do 40 acres	15 per cent do
(4) 40 acres do 50 acres	10 per cent do
(5) Above 50 acres ...	5 per cent

Certificate of transfer of house site and fees therefor.

7. (1) The certificate of transfer of a site to be granted by the Amildar under sub-section (3) of Section 19 shall be in Form No. III.

(2) Before a certificate of transfer of a Site is granted by the Amildar, fees calculated on the value of such site at the rates specified in Column 2 of the Schedule appended to these Rules shall be paid.

Certificate of purchase of land fees therefor.

8. (1) The certificate to be issued by the Amildar under sub-section (3) of Section 22 shall be in Form No. IV.

(2) Before a Certificate of purchase is granted by the Amildar, fees calculated on the value of the land at the rates specified in Column 2 of the Schedule appended to these Rules shall be paid.

Receipt for rent.

9. The receipt to be given by a Landlord to a tenant under sub-section (2) of Section 26 shall be in Form No. V. It shall be in the Kannada language and the counterfoil of such receipt shall be signed by the tenant or his authorised agent in acknowledgment of the correctness of the counterfoil and receipt of the copy. When a share of the produce is paid as rent, kind and quantity of such produce shall be mentioned in such Receipt. The quantity shall be expressed, in the case of any commodity usually calculated :

(*a*) by measure, in terms of Standard Palla of one hundred seers ;

(*b*) by weight, in terms of the Standard Maund of nine hundred and sixty tolas.

Application for possession of land or dwelling house.

10. An application for possession of any land or dwelling house under sub-section (1) or sub-section (2) of Section 29 shall be in Form No. VI.

Application for recovery of rent.

11. An application by a land-lord for recovery of rent payable to him by a tenant under sub-section (1) of Section 30 shall be in Form No. VII.

Application in other cases.

12. All enquiries and other proceedings before the Amildar except those in respect of which a specific form of application has been prescribed in the foregoing Rules, shall be commenced by an application in Form No. VIII.

Execution of Orders of Amildar awarding or restoring possession of land.

13. An order of the Amildar awarding possession or restoring possession or use of any land shall be executed in the following manner :—

(*a*) The order in each case shall be served on the person concerned with a notice in writing directing him to hand over or restore possession or use of the land to the party mentioned in the notice within fifteen days from the date of service of the said notice;

(*b*) If, even after service of such a notice, the direction given therein is not complied with, the Amildar shall evict the person concerned by removing, or deputing a subordinate officer, to remove such person.

Court fees.

14. (1) Every application made to the Amildar under the Act shall bear a Court Fee Stamp of one rupee and every memorandum of appeal or application made to the Assistant Commissioner or the Deputy Commissioner shall bear a Court Fee Stamp of Rupees two and three, respectively.

(2) Every revision application made to the Government under the Act shall bear a Court Fee Stamp of Rupees five.

FORM No. I.

(See Rule 4.)

Form of application for commutation of rent in terms of service into cash under Section 9.

To

The Amildar of.....Taluk.

Name of the Applicant :—

Age Profession Place of residence.

Name of the opponent :—

Age Profession Place of residence.

Sir,

I am the landlord and the opponent is a tenant of the following land :—

S. No.	Hissa No.	Area A. G.	Assessment	Village	Taluk

The rent of the land is as given below :—

Here give details of the rent including the details of the rent received in terms of service OR labour).

I apply for commutation of the rent received in terms of service or labour into cash and for determination of the cash rent.

The extracts of the Record of Rights concerning the land are enclosed.

I also enclose the following documents :—

(Here give a list of the documents).

(Names of the Witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date *Signature of the Landlord.*

FORM No. II.

(See Rule 5)

Form of application for determination of reasonable rent under Section 12.

To

The Amildar of.....Taluk.

Name of the applicant :—

Age Profession Place of residence.

Name of the opponent :—

Age Profession Place of residence.

Sir,

I am the landlord/tenant of the following land :—

S. No.	Hissa No.	Area A. G.	Assessment	Village	Taluk

Sri.....is the tenant/landlord of this land from the year.....

The present rent of the land is.....

The rent is not reasonable for the following reasons :—

(Here state the reasons)

I am prepared to accept/pay rent namely.....as reasonable rent of the land. I request you to determine the same under Section 12 of the Mysore Tenancy Act, 1952.

The extracts of the Record of Rights concerning the land are enclosed.

I also enclose the following documents. (Here give a list of the documents).

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date *Signature of the Landlord/tenant.*

FORM No. III.

(See Rule 7)

Form of Certificate under Section 19 (3).

Whereas Sri/Sm./Janab/Janaba.....is in occupation of the site.....specified below belonging to Sri/Sm./Janab/Janaba.....and whereas under the provisions of sub-section (3) of Section 19 of the Mysore Tenancy Act 1952. Sri/Sm./Janab/Janaba.....was required to deposit and has deposited Rs.....(in words) for the transfer of the said site to him; it is hereby certified that the said site shall be deemed to have been transferred to Sri/Sm./Janab/Janaba.....under the provisions of Sub-Section (3) of Section 19 of the said Act.

Description of Site.

District	Taluk	Village	Survey No. or Khaneshumari No.	Hissa No.	Area	Boundaries

Signature,

Place.....

Amildar.....

Date.....

Taluk.....

FORM No. IV.

(See Rule 8).

Form of Certificate under Section 22 (3).

Whereas Sri/Sm./Janab/Janaba..... .....is the protected tenant of the land specified below belonging to the landlord..... .....and whereas under the provisions of sub-section 3 of Section 22 of Mysore Tenancy Act, 1952, the tenant Sri/Sm./Janab/Janaba.....was required to deposit and has deposited Rs.. .....(in words) as price of the said land. It is hereby certified that the said protected tenant Sri/Sm./Janab/Janaba ....shall be deemed to be the purchaser of the said land under the provision of sub-section (3) of Section 22 of the said Act.

District	Taluks	Village	S. No.	Hissa No.	Area	Assessment	Boundaries

Place

Signature,

Date

Amildar.....Taluk.

COUNTERFOIL.

FORM No. V.

(See Rule 9).

Form of Receipt.

District	Taluks	Villages	Survey Number	Hissa Number	Area	Name of the field if any	Name of tenant	Rent agreed upon (if crop share, rent according to appraisement) for the year	Rent actually recovered in cash or kind	Total rent in cash or kind recovered during the current year
1	2	3	4	5	6	7	8	9	10	11

For the Current year.
For arrears.

Received to-day the rent specified in Column 10 from Sri/Janab.....

Signature of landlord or his authorised agent.

Signature or thumb mark of tenant or his authorised agent.

Date.....

IV-7

FORM No. V.

(See Rule 11).

Form of Receipt.

District	Taluks	Villages	Survey Number	Hissa Number	Area	Name of the field if any	Name of tenant	Rent agreed upon (if crop share, rent according to appraisement) for the year	Rent actually recovered in cash or kind	Total rent in cash or kind recovered during the current year
1	2	3	4	5	6	7	8	9	10	11

For the Current year.
For arrears.

Received to-day the rent specified in Column 10 from Sri/Janab.....

Signature of landlord or his authorised agent.

Date.....

FORM No. VI.

(See Rule 10).

Form of application for possession under Section 29.

To

The Amildar,

.....Taluk.

Name of the applicant.....

Age.....Profession.....Place of residence .....

Name of opponent.....

Age.....Profession.....Place of residence.....

Sir,

I do hereby state that I am entitled to the possession of the property, namely.—

Name of village	S. No.	Hissa No.	Area A. g.	Assessment	Name of Landlord

In the following circumstances:—

(Here state the circumstances in full).

The property is at present in the possession of the opponent. I apply that possession of the property be handed over to me at an early date.

The extracts of Record of Rights concerning the land are enclosed.

I also enclose the following documents:—

(Here give a list of the documents).

(Names of the witness if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them).

Yours faithfully,

Date.....

Signature of the applicant.

FORM No. VII.

(*Section Rule* 11).

(Form of application for recovery of rent).

To

The Amildar,

.....Taluk.

1.	Name of applicant and father's name.	Name of applicant or tenant and his father's name.
2.	Age.	Age.
3.	Profession.	Profession.
4.	Place of residence.	Place of residence.

Sir,

I am the Landlord of the land described balow :

Taluk	Village	Khate number and name of Khatedar	S. No. and Sub-number	Area	Assessment

The opponent is a tenant and a rent of Rs.....(if in cash .....pallas or maunds (if in kind) is payable by him to me annually and he has not paid this rent for the following years.

(Here state the yearwar details and the amount due for each year.)

I request that the rent due to me as above may be recovered under section 30(3) of the Act and paid to me.

I herein enclose an extract of the Index of Land Records in respect of the above land and also the following documents in support of the rate and amount of rent due to me for recovery of which I have applied now.

(Herein enter the details of the documents).

Yours faithfully,

Date

Signature.

FORM No. VIII.

(*Rule* 12).

(Form of application under Section 33 of the Act).

To

The Amildar,

..... Taluk.

1.	Name of applicant and father's name.	Name of opponent and father's name.
2.	Age	Age.
3.	Profession.	Profession.
4.	Place of residence.	Place of residence.

Sir,

I am the Landlord/tenant of the land described blow ;

Taluk	Village	Khate number and Name of Khatedar	S. No. and Sub-number	Area	Assessment

The opponent is a tenant/landlord and a rent of Rs..... (if in cash) or maunds or pallas of (if in kind) is payable to me/by me annually.

(Herein state a brief history of the case, the relief prayed for and section of the Act under which the relief is claimed.

I herein enclose the following documents in support of my claims as set out in the above. (Herein enter the details of documents).

The following persons may be examined as Witnesses for me.

(Herein enter the names and addresses of such witnesses).

Yours faithfully,

Signature,

Date Landlord/Tenant.

FORM No. IX.

(*See* Rule 6).

(Form of notice to the tenant by a landlord intimating his desire to terminate the tenancy).

(Herein give the details of Name and address of the tenant).

Please take Notice that I am entitled to terminate the tenancy of the land described below for the reasons stated herein under section 16(1) and 2 of the Mysore Tenancy Act and I shall proceed to take action in furtherance thereof after a period of not less than one year from the date of this notice, expiring with the end of the year.

(Herein give the reasons).

Signature of the Landlord with address.

Taluk

Village

Khate No. and Name of the Khatedar

Survey No. and Sub number

Area

Assessment

THE SCHEDULE. SEE RULE 7 (2) and 8 (2).

Value determined.	*Scale of Fees.*
When the value of the site or land does not exceed Rs. 1,000.	2½ per cent of the value subject to a minimum of Rs. 2.
When the value of the site or land exceeds Rs. 1,000 but does not exceed Rs. 5,000.	For the first Rs. 1,000, 2½ per cent. For the amount in excess of Rs. 1,000, one per cent.
When the value of the site or land exceeds Rs. 5,000.	For the first Rs. 1,000, 2½ per cent. For the amount in excess of Rs. 1,000 and up to Rs. 5,000, one per cent. For the amount in excess of Rs. 5,000, half per cent.

Note.—Any fraction of a hundred rupees not less than Rs. 51 shall be treated as one hundred rupees and any such fraction less than Rs. 51 shall be ignored for calculating the percentage of the value.

By Order of His Highness the Maharaja,

M. S. SWAMINATHAN,

Secretary to Government,
Revenue Department.